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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,507	06/05/2001	Robert Stanley Arling	10010130-1	5883

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

AL HASHEMI, SANA A

ART UNIT PAPER NUMBER

2161

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/874,507

**Applicant(s)**

ARLING, ROBERT STANLEY

**Examiner**

Sana Al-Hashemi

**Art Unit**

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, and 5-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Claim Status: 1-3, and 5-18 rejected and claim 4 is canceled.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, and 5-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Evans (US Patent No. 6,347,329).

1. Regarding Claims 1, 8, 9, 16, 17, and 18, Evans discloses a method of generating a medical<sup>1</sup> report, comprising:

displaying a plurality of pre-chosen findings comprising a plurality of medical condition that are associated with a particular portion or sub-portion of a living body, and a separate medical report simultaneously on an electronic display, the medical report comprising a summary section (see Fig. 5, 191, 193, 154, 151, column 6, lines 45-53, Evans);

selecting a pre-chosen finding based on a diagnosis of the particular portion or sub-portion of the body as a user selected finding (see column 6, lines 54-59, Evans); and

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<sup>1</sup> Examiner did not give the term “medical” any patentability weight since it is regarded as an intended use.

automatically copying electronically said user-selected findings from the displayed pre-chosen findings into the summary section of the medical report upon an indication by a user that it is desired that said user-selected finding be add to the summary section of the medical report (see column 5, lines 6-33, Evans<sup>2</sup>).

2. Regarding Claims 2, and 10, Evans discloses a method wherein the medical report further comprises a plurality of group sections, and automatically copying electronically each pre-chosen finding into a group section of the plurality of group sections which corresponds to the pre-chosen finding upon an indication by a user that it is desired that said user-selected finding be add to the summary section of the medical report (see column 5, lines 42-57, Evans).

3. Regarding Claims 3, 6, 11, and 14, Evans discloses a method further comprising:

receiving for a second time a selection of said respective pre-chosen finding from the displayed pre-chosen findings, the second selection of said respective pre-chosen finding being previously selected and copied into the summary section of the medical report (see column 6, lines 55-64, Evans<sup>3</sup>); and

automatically removing electronically the second selected respective pre-chosen finding from the summary section of the medical report upon an indication by a user that it is desired that said user-selected finding be add to the summary section of the medical report (see column 10, lines 56-63, Evans<sup>4</sup>).

4. Regarding Claims 4, and 12, Evans discloses a method further comprising selecting the pre-chosen findings from a list of available findings (see Fig. 20, 334, Evans).

5. Regarding Claims 5, and 13, Evans discloses a method further comprising

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<sup>2</sup> Examiner reads the user is the health care provider and all the updates taking place upon their desire.

displaying on the electronic display an indicator next to the selected pre-chosen finding, separate from the medical report, so that specific information regarding the patient can be identified either from the display of the pre-chosen finding and identified in further detail in the medical report (see Fig. 20, indicator 001, Evans).

6. Regarding Claims 7, and 15, Evans discloses a method wherein the copying further comprises converting the selected pre-chosen finding into a more descriptive form before copying into the summary section (see Fig. 20, 335, Evans).

### ***Conclusion***

#### ***Response to Amendment***

Applicant's arguments filed 9/10/2004 have been fully considered but they are not persuasive.

Applicant argues that "Evan's system fails to disclose, displaying a plurality of pre-chosen findings ..., and a separate medical report simultaneously on an electronic display."

Examiner disagrees. The pre-chosen finding as interpreted by the examiner is a list of options for the user to select from, and the Tabs disclosed in Evan's system allows the user to select any of the Tabs based on the required action if it is an update for an existing patient to create a new medical report for new patients as disclosed in Fig. 5, which teaches a list of Tabs (pre-chosen list) displayed on an electronic display which is the user monitor or on a screen. Examiner believes the Evan's system reads on the claimed invention.

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<sup>3</sup> By allowing the user to select more than one form, reads on second form as the claimed limitation.

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Applicant argues that Evans fails to disclose the step of the medical report is simultaneously displayed.

Examiner disagrees. Referring to Fig. 8, 158, and 182-184, Col. 7, lines 33-45, the Evan's system display the medical report simultaneously, by showing the in this case a complete information on one screen and the X-ray on another screen.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Other Prior Art Made of Record***

1. Evans (US Patent No. 6,347,329) discloses a electronic medical records system.

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<sup>4</sup> The method of ending and restarting the process reads on removing data.

Art Unit: 2161


2. Bosch (US Patent No. 6,519,601) discloses Relational database compiled/stored on a memory structure providing improved access through use of redundant representation of data
3. Snell (US Patent No. 6,249,507) discloses Distributed network system for use with implant-able medical devices.
4. Casto (US Patent No. 6,038,547) discloses a construction tracking and payment method and system.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
January 10, 2005

  
ALFORD KINDRED  
PRIMARY EXAMINER